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An Act Relating to the Membership of the Workers' Compensation Board

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 39-A MRSA §151, sub-§1, as amended by PL 2003, c. 608, §5, is further amended to read:

1. Board established. Pursuant to Title 5, section 12004-G, subsection 35, the Workers' Compensation Board is established as an independent board composed of 7 members. The members of the board, including the executive director, must be appointed by the Governor within 30 days after a new board member is authorized or a vacancy occurs, subject to review by the joint standing committee of the Legislature having jurisdiction over labor matters and confirmation by the Legislature. Notwithstanding the provisions of Title 3, section 157, the designated committee shall complete its review of the appointments of the Governor within 15 days of the Governor's written notice of appointment and the vote of the Legislature must be taken no later than 7 days after the vote of the designated committee.

The board consists of 3 representatives of management, 3 representatives of labor and the executive director appointed pursuant to subsection 1-A. All management representatives must be appointed from a list provided by the Maine Chamber of Commerce and Industry or other bona fide organization or association of employers. All labor representatives must be from a list provided by the Executive Board of the Maine AFL-CIO or other bona fide labor organization or association of employees representing at least 10% of the Maine work force. Any list submitted to the Governor must have at least 4 times the number of names as there are vacancies for the group represented by the vacancies.

A member of the board is not liable in a civil action for any act performed in good faith in the execution of duties as a board member.

~~A member of the board may not be a lobbyist required to be registered with the Commission on Governmental Ethics and Election Practices, a service provider to the workers' compensation system or a representative of a service provider to the workers' compensation system.~~

Members of the board representing management and labor hold office for staggered terms of 4 years, commencing and expiring on February 1st, except for initial appointees and members appointed to fill unexpired terms. A member representing management or labor may not serve for more than 2 full terms.

A member of the board may not:

A. Engage in lobbying as defined in Title 3, section 312-A, subsection 9 unless such lobbying is on behalf of the board in the member's capacity as a board member; or

B. Be a service provider to the workers' compensation system or a representative of a service provider to the workers' compensation system. For purposes of this paragraph, "service provider" includes, but is not limited to, insurers authorized to write workers' compensation policies in the State, and group self-insurers.

Sec. 2. Application. That section of this Act that amends the Maine Revised Statutes, Title 39-A, section 151, subsection 1 does not apply to members of the Workers' Compensation Board serving on the effective date of this Act.

SUMMARY

This bill clarifies the current restrictions on Workers' Compensation Board membership related to lobbying and being a service provider to the workers' compensation system.